

REMARKS

This paper is being submitted in response to the Final Office Action mailed on July 22, 2010. Claims 22-25, 31-33, and 45-50 are pending. Claims 22-25, 31-32, and 45-50 are rejected. Claims 33 and 45 are allowed. Claims 22, 46, 48, and 49 are amended herein. New claim 51 is added herein. Applicant respectfully requests reconsideration of claims 22-25, 31-33 and 45-51 in view of the preceding amendment and following remarks.

I. DRAWINGS

The drawings are objected to for failing to show every feature specified in claim 46. Applicant submits that the amendment to Claim 46 overcomes the drawing objection.

II. CLAIM OBJECTIONS

Claim 48 and 49 are objected to because of the recitations “on or between” relating to the releasable fastening mechanisms. The claims have been amended for clarity. Applicant respectfully requests withdrawal of the objection to claims 48 and 49.

III. CLAIM REJECTION UNDER USC 112

Claim 46 is rejected under USC 112 as not being supported by the written description. The claim has been amended. Applicant respectfully requests reconsideration and withdrawal of the 112 rejection.

IV. CLAIM REJECTIONS UNDER USC 103

Claims 22-25, 31, 32, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable Malooly (US 3,912,055) in view of Elias (Re. 29, 751)

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *See, M.P.E.P. § 2143.03 (citing, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))*. Amended claim 22 recites, in part “when said first panel and said section panel are both releasably joined to said first cover, said pocket is located outside of said first cover.” Support is found in Figures 1 and 5. Such a structure is not taught or suggested by Malooly or Elias. Malooly’s pocket, when closed, is entirely within the structure identified by the Action as the first cover. Elias does not teach or suggest the structure recited by claim 22. The failure of Malooly and Elias to teach or suggest the structure precludes an obviousness rejection based on these references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 22.

Claims 23-25, 31-32, and 46-50 depend from independent claim 22. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. *See, M.P.E.P. §2143.03 (citing, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”))*. Applicant respectfully requests withdrawal of the obviousness rejection of claims 23-25, 31-32, and 46-50.

V. ALLOWED CLAIMS

Applicant thanks Examiner for indicating that claims 33 and 45 are allowed.

VI. NEW CLAIM

New product claim 51 is submitted which reflects the recitations of method claim 33. Applicant respectfully submits that as method claim 33 has been allowed, claim 51 should also be allowable.

CONCLUSION

Claims 22-25, 31-33, and 45-51 are believed to be in condition for allowance, and an early notice thereof is respectfully requested. Should the Examiner determine that additional issues exist which might be resolved by a telephone conference, they are respectfully invited to contact the Applicant's undersigned representative

No additional fees are believed due for the new independent claim 51, there are now 14 claims including 3 independent claims, and Applicant has previously paid for 40 claims including 3 independent claims.

The Director is hereby authorized to charge any additional fees or underpayments of fees under 37 C.F.R. §§ 1.16 and 1.17, or to credit any overpayments, to Deposit Account Number 13-2500. Applicant is a large entity.

Respectfully Submitted,

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